

LOCKE LORD LLP
Thomas J. Cunningham (Bar No. 263729)
tcunningham@lockelord.com
300 South Grand Avenue, Suite 2600
Los Angeles, California 90071
Phone: (213) 687-6738

P. Russell Perdew (*admitted pro hac vice*)
rperdew@lockelord.com
111 South Wacker Drive
Chicago, Illinois 60606
Phone: 312-443-0494

Jonathan Lieberman (Bar No. 278058)
jlieberman@lockelord.com
44 Montgomery Street, Suite 4100
San Francisco, California 94104
Phone: 415-318-8810
Facsimile: 415-676-5816

Attorneys for Defendants
OCWEN FINANCIAL CORPORATION and OCWEN LOAN SERVICING, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VICTOR P. GIOTTA and LORALEE
GIOTTA, On Behalf Of Themselves And
All Others Similarly Situated,

) Case No. 5:15-cv-00620-BLF
)
)
)
)
)
)
)
)
)
)
)
)
)

Plaintiffs

vs.

OCWEN FINANCIAL CORPORATION,
OCWEN LOAN SERVICING, LLC,
ALTISOURCE PORTFOLIO SOLUTIONS
S.A., ALTISOURCE SOLUTIONS, INC.;
WILLIAM C. ERBEY; and DOEs 1-50

Defendants.

Pursuant to Local Rule 16-2(e), Plaintiffs Victor P. Giotta and Loralee Giotta (“the Giottas”), Defendants Ocwen Financial Corporation (“OFC”) and Ocwen Loan Servicing, LLC, (“OLS”), and Altisource Solutions, Inc. (“ASI”) (collectively, the “Parties”) hereby respectfully stipulate and jointly request that the Court to modify the Order Setting Initial Case Management Conference and ADR Deadlines, dated February 10, 2015 (Dkt. 5), as amended by the Clerk’s Notice Resetting Case Management Conference Following Reassignment, entered on February 25, 2015 (Dkt. 18).

This action was commenced on February 9, 2015. (Dkt. 1). On February 26, 2015, counsel for OFC and OLS executed a waiver of service of the complaint, which was sent on February 26, 2015. (Dkt. Nos 19, 20). On March 23, 2015, counsel for ASI executed and sent a waiver of service of the complaint. (Dkt. No. 24). On April 7, 2015, the Giottas and APS stipulated to a voluntary dismissal of APS without prejudice and with an agreement to toll the claims of the Giottas and the proposed class asserted against APS in this action during the pendency of this action. (Dkt. No. 25). On March 23, 2015, counsel for Mr. Erbey executed and sent a waiver of service of the complaint. (Dkt. No. 23).

For judicial efficiency, the Parties agreed that a single deadline for all remaining Defendants to respond to the complaint, May 22, 2015, was appropriate. Pursuant thereto, the Parties executed a stipulation setting a briefing schedule on the remaining Defendants’ anticipated motions to dismiss. (Dkt. 26). The Giottas’ opposition to any motion to dismiss shall be filed on or before June 26, 2015 and all reply briefs shall be filed on or before July 16, 2015. (*Id.*) The Parties further agreed that they would request a hearing on their respective motions to dismiss for July 30, 2015. (*Id.*) The Court granted the stipulation on April 8, 2015 (Dkt. 30), and the remaining Defendants have reserved July 30, 2015 for the Court to hear their motions to dismiss.

Fed. R. Civ. P. 16(b)(4) expressly provides that a schedule may be modified for good cause and with the judge’s consent. See Fed. R. Civ. P. 16(b)(4). Additionally, Local Rule 16-2(e) provides that a schedule may be modified pursuant to stipulation between the parties. Civ. L.R. 16-2(e). Among other things, the Court’s current schedule provides for the Case Management Conference to be held on June 11, 2015, prior to the motions to dismiss being fully briefed and

1 before the July 30, 2015 hearing. In the interest of promoting cooperation, orderly and efficient
 2 preparation of the case, and judicial efficiency and economy, the Parties seek to modify the schedule
 3 to allow the Court to hear and potentially rule on the motions to dismiss prior to the first Case
 4 Management Conference. Pursuant thereto, the parties hereby stipulate and agree to the following
 5 modification and request the Court's approval of their stipulation to modify the Case Management
 6 Schedule as follows:

7

8	Event	Current Date	Stipulated, Requested New Date
9	Last Day to meet and confer (Fed. R. Civ. Proc. 10 26(f) & ADR L.R.3-5), File ADR certification (Civil 11 L.R. 16-8 (b) & ADR L.R. 3-5(b)), and file either 12 Stipulation to ADR Process or Notice of Need 13 for ADR Phone Conference (Civil L.R. 16-8 (c) & 14 ADR L.R. 3-5(b) & (c))	5/21/2015	8/6/15
15	Last day to file Rule 26(f) Report, complete initial 16 disclosures or state objection in Rule 26(f) Report 17 (FRCivP 26(a) (1)) and file Case Management 18 Statement (Civil L.R. 16-9).	6/4/2015	8/20/15
19	Initial Case Management Conference	6/11/2015	8/27/15

20

21

22

23

24

25

26

27

28

1 DATED: May 13, 2015

FEINSTEIN DOYLE PAYNE & KRAVEC, LLC

3 By: /s/

4 Joseph N. Kravec, Jr.
5 Attorneys for Plaintiff Victor P. Giotta and Loralee
6 Giotta

7 DATED: May 13, 2015

McKENNA LONG & ALDRIDGE LLP

9 By: /s/

10 Andrew S. Azarmi
11 Attorneys for Defendants Altisource Solutions, Inc.

12 DATED: May 13, 2015

LOCKE LORD LLP

14 By: /s/

15 Jonathan S. Lieberman
16 Attorneys for Defendants Ocwen Financial
17 Corporation, Ocwen Loan Servicing LLC and
18 William C. Erbey

21 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23 Dated: May FH, 2015


24 Honorable Beth Labson Freeman
25 United States District Judge